

Timothy J. Hill (#LI0015821)  
*(Appearance Pro Hac Vice)*  
 Direct Dial: (319) 861-8758  
 Email: thill@bradleyriley.com  
 Joseph W. Younker (#LI0019908)  
*(Appearance Pro Hac Vice)*  
 Direct Dial: (319) 358-5569  
 Email: jyounker@bradleyriley.com  
**BRADLEY & RILEY PC**  
 2007 First Avenue SE  
 P.O. Box 2804  
 Cedar Rapids, IA 52406-2804  
 Phone: (319) 363-0101  
 Fax: (319) 363-9824

Alan Palmer Jacobus (California Bar Number 206954)  
**LAW OFFICES OF ALAN PALMER JACOBUS**  
 555 California Street, Suite 4925  
 San Francisco, California 94104  
 Telephone: (415) 685-0820  
 Email: alan.jacobus@apjlegal.com

Attorneys for Defendant and Counterclaimant  
 INFINITY CONTACT, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

THE PHOENIX INSURANCE COMPANY, a )	
Connecticut corporation; THE TRAVELERS )	
INDEMNITY COMPANY, a Connecticut )	No. 5:13-cv-05905-BLF
corporation; THE TRAVELERS INDEMNITY )	
COMPANY OF CONNECTICUT, a )	USDC Judge: Beth Labson Freeman
Connecticut corporation; TRAVELERS )	
PROPERTY CASUALTY COMPANY OF )	Magistrate Judge: Paul Singh Grewal
AMERICA, a Connecticut corporation, )	
)	STIPULATION OF DISMISSAL WITHOUT
Plaintiffs and Counter-Defendants, )	PREJUDICE AS TO DEFENDANT AND
)	COUNTERCLAIMANT INFINITY AND
v. )	[PROPOSED] ORDER
)	
INFINITY CONTACT, INC., an Iowa )	
corporation and NUANCE )	(Fed. R. Civ. P. 41 (a)(2))
COMMUNICATIONS, INC., a Delaware )	
corporation, )	
)	
Defendants and Counterclaimants. )	

1 TO THE HONORABLE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiffs and Counter-Defendants The  
3 Phoenix Insurance Company, The Travelers Indemnity Company and The Travelers Indemnity  
4 Company of Connecticut (collectively "Travelers") and Defendant and Counterclaimant Infinity  
5 Contact, Inc. ("Infinity") hereby stipulate, agree and jointly move the Court to enter an Order as  
6 follows:

7 1. Travelers' claims and defenses against Infinity (as set forth in Docs. 44  
8 (Travelers' Amended Complaint) and 50 (Travelers' Answer to Infinity's Counterclaim)) are  
9 dismissed without prejudice, pursuant to Fed. R. Civ. P. 41(a)(2). These are the only claims and  
10 defenses pending in this action against Infinity;

11 2. Infinity's claims and defenses against Travelers (as set forth in Doc. 47  
12 (Infinity's Answer, Affirmative Defenses and Counterclaim to Plaintiffs' Amended Complaint)) are  
13 dismissed without prejudice, pursuant to Fed. R. Civ. P. 41(a)(2);

14 3. This dismissal without prejudice should be without any award of costs;

15 4. Defendant and Counterclaimant Nuance Communications, Inc.'s ("Nuance's")  
16 counterclaim against Plaintiffs (as set forth in Doc. 48) and Plaintiffs' claim against Nuance (as set  
17 forth in Doc. 44) remain pending for independent adjudication.

18 A proposed Order granting this Stipulation has been set forth below.

19 Dated: August 12, 2014

Respectfully submitted,

20 By: /s/ Mark D. Peterson

21 Mark D. Peterson  
22 CATES PETERSON LLP  
23 4100 Newport Place, Suite 230  
24 Newport Beach, CA 92660  
25 Telephone: (949) 724-1180  
26 Facsimile: (949) 724-1190  
27 mpeterson@catespeterson.com

28 By: /s/ Charles E. Spevacek

Charles E. Spevacek  
(Appearance Pro Hac Vice)  
Michael P. McNamee  
(Appearance Pro Hac Vice)

Meagher & Geer PLLP  
33 S 6th Street, Suite 4400  
Minneapolis, MN 55402  
Telephone: (612) 338-0661  
Facsimile: (612) 338-8384  
[cspevacek@meagher.com](mailto:cspevacek@meagher.com)  
[mmcnamee@meagher.com](mailto:mmcnamee@meagher.com)

*Attorneys for Plaintiffs and Counter-  
Defendants The Phoenix Insurance  
Company, The Travelers Indemnity Company,  
The Travelers Indemnity Company of  
Connecticut and Travelers Property Casualty  
Company of America*

Dated: August 12, 2014

Respectfully submitted,

By: /s/ Alan Palmer Jacobus  
ALAN PALMER JACOBUS  
Offices of Alan Palmer Jacobus  
555 California Street, Suite 4925  
San Francisco, CA 94104  
Phone: (415) 685-0820  
Email: [alan.jacobus@apjlegal.com](mailto:alan.jacobus@apjlegal.com)

By: /s/ Timothy J. Hill  
TIMOTHY J. HILL (#LI0015821)  
(*Appearance Pro Hac Vice*)  
Direct Dial: (319) 861-8758  
Email: [thill@bradleyriley.com](mailto:thill@bradleyriley.com)  
and  
JOSEPH W. YOUNKER (#LI0019908)  
(*Appearance Pro Hac Vice*)  
Direct Dial: (319) 358-5569  
Email: [jyounker@bradleyriley.com](mailto:jyounker@bradleyriley.com)  
of  
BRADLEY & RILEY PC  
2007 First Avenue SE  
P.O. Box 2804  
Cedar Rapids, IA 52406-2804  
Phone: (319) 363-0101  
Fax: (319) 363-9824

*Attorneys for Defendant and Counterclaimant  
Infinity Contact, Inc.*

Copy to:

Mark D. Peterson  
Cates Peterson LLP  
4100 Newport Place, Suite 230  
Newport Beach, CA 92660  
*Attorneys for Plaintiffs and Counter-Defendants*

Charles E. Spevacek  
Michael P. McNamee  
Meagher & Geer PLLP  
33 S 6th Street, Suite 4400  
Minneapolis, MN 55402  
*Attorneys for Plaintiffs and Counter-Defendants*  
*Admitted Pro Hac Vice*

Michael T. Jones  
Nicole L. Chessari  
Goodwin Proctor LLP  
135 Commonwealth Drive  
Menlo Park, California 94025-1105  
*Attorneys for Defendant and Counterclaimant*  
*Nuance Communications, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of this document was served upon the persons listed on this document at the addresses indicated by CM/ECF electronic notification or by enclosing the same in an envelope with postage fully paid and by depositing said envelope in a United States Post Office depository this 12<sup>th</sup> day of AUGUST, 2014. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Julie A. Pflughaupt

Civil L.R. 5-1(i)(3) Attestation

I, Timothy J. Hill, am the ECF User whose ID and Password are being used to file this STIPULATION OF DISMISSAL WITHOUT PREJUDICE AS TO DEFENDANT AND COUNTERCLAIMANT INFINITY AND [PROPOSED] ORDER.

In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Mark D. Peterson and Charles E. Spevacek, counsel for Plaintiffs and Counter-Defendants, have concurred to its filing.

Dated: August 12, 2014

/s/ Timothy J. Hill  
Timothy J. Hill

[PROPOSED] ORDER

The Court, having considered the above Stipulation by and between Plaintiffs and Counter-Defendants The Phoenix Insurance Company, The Travelers Indemnity Company and The Travelers Indemnity Company of Connecticut (collectively “Travelers”) and Defendant and Counterclaimant Infinity Contact, Inc. (“Infinity”), and for good cause shown and pursuant to Fed. R. Civ. P. 41(a)(2), hereby ORDERS that:

1. Travelers’ claims and defenses against Infinity are dismissed without prejudice, without any award of costs; and

2. Infinity’s claims and defenses against Travelers are dismissed without prejudice, without any award of costs.

IT IS SO ORDERED.

DATED this \_\_ day of August, 2014.

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HONORABLE BETH LABSON FREEMAN  
United States District Judge